



## **CALL TO ORDER**

Mayor Spence called the **REGULAR MEETING** of the City Council of the City of La Cañada Flintridge to order at 7:00 p.m.

## **ROLL CALL**

Councilmembers' present: Gregory C. Brown, Laura Olhasso, Donald R. Voss, Mayor Pro Tem Stephen A. Del Guercio, and Mayor David Spence

Staff members present: City Manager Alexander, City Attorney Brown, Public Works Director Hitti, Interim Public Works Director Davis, Public Works Director Hitti, Director of Community Development Stanley, Administrative Services Director Chun, City Engineer Kwan, Management Aid Dodd and City Clerk Sessman

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Captain Peters.

## **COMMENTS FROM THE PUBLIC**

Pat Anderson, Executive Director of the La Cañada Flintridge Chamber of Commerce, presented the City's new Community Directory.

Charles Parcell, claimant, and David J. Bartoli spoke on agenda item #7 and requested that the City Council take no action on this claim to allow Mr. Parcell and staff to work together to bring about a resolution to this matter.

## **PRESENTATIONS**

A Proclamation designating April, 2007 as "Pasadena-Foothills Association of REALTORS (PFAR) Month" was presented to Mr. Wes Seastrom.

Certificates of Recognition were presented to Bank of America employees Rose Danielian and Daniela Kolarova for their quick action in thwarting an attempted check fraud.

The Public Safety Update for the Sheriff Department was presented by Captain Peters.

Updates on City Projects were presented by Public Works Director Hitti and Community Development Director Stanley.

## **CONSENT CALENDAR**

Mayor Pro Tem Del Guercio recused himself from agenda item #9, due to a potential conflict of interest, because his law firm performs legal work for the County of Los Angeles.

Councilmember Olhasso requested that agenda item #7 be pulled for discussion.

7. Reject the claim for damages filed by Charles Parcell (C-06-27) and direct staff to send the appropriate notice of rejection to claimant.

A motion was made by Councilmember Olhasso, seconded by Councilmember Brown, to table this matter to a date uncertain and direct staff to facilitate a meeting between Mr. Parcell and the City's representatives, JPIA and Carl Warren and Company to see if the situation can be resolved.

Motion by Councilmember Voss, seconded by Councilmember Olhasso, to approve the following Consent Calendar items, noting Mayor Pro Tem Del Guercio's recusal from agenda item #9:

1. Approval of Minutes of the City Council:
  - (a) December 19, 2006 Adjourned Regular Meeting
  - (b) January 16, 2007 Regular Meeting
  - (c) February 5, 2007 Regular Meeting
  - (d) February 20, 2007 Adjourned Regular Meeting
2. Approval of Warrant Resolution No. 07-06 dated April 2, 2007, for \$542,801.17.
3. Receive and file Commission Meeting Agendas:
  - (a) Public Works & Traffic Commission Action Agenda from the March 21, 2007 Meeting.
  - (b) Planning Commission Action Agenda from the March 27, 2007 Meeting.
  - (c) Youth Council Agenda from the March 27, 2007 Meeting.
  - (d) Public Safety Commission Agenda from the March 28, 2007 Meeting.
4. Approve request to waive Special Event Permit Application Fee for the Paradise Canyon Elementary School Family Fun Run 2007 to be held on Saturday, May 19, 2007 by finding that the public's welfare interests are best served by such waiver.
5. Approve request to waive Special Event Permit Application Fee for the Crescenta-Cañada YMCA Annual Fiesta Days Run to be held on Monday, May 28, 2007 by finding that the public's welfare interests are best served by such waiver.
6. Receive and file report recognizing the City of La Cañada Flintridge Nineteenth Year as a Tree City USA.
8. Approval and Acceptance of Work by Remedial Civil Constructors, Inc. dba RCC for the Inverness Drive Slope and Roadway Reconstruction between St. Katherine Drive and Normandy Drive and Authorization for staff to file the Notice of Completion.
9. Consideration of Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, CONSENTING TO THE ESTABLISHMENT OF THE BRIDGE PORTION OF OAK GROVE DRIVE OVER FLINT CANYON WASH, WITHIN SAID CITY, AS PART OF THE SYSTEM OF HIGHWAYS OF THE COUNTY OF LOS ANGELES."
10. Consideration of Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, APPROVING AND ADOPTING THE THIRD AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS."

11. Authorize the City Manager to execute the letter proposal agreement with Moreland & Associates for financial audit services for the fiscal years ending June 30, 2007 and June 30, 2008.
12. Approval and Acceptance of Work by Pima Corporation dba Advanced Construction for the Winery Canyon (Indiana Avenue) Flume for Pedestrian, Equestrian, and Bicycle Trail over the Route 210 Freeway (State Project No. RT-19-023, State Contract No. C8517007) and Authorization for staff to file the Notice of Completion.
13. Authorize Willdan to proceed with the additional scope of work to prepare plans, specifications, and cost estimate (PS&E) for the improvement of the intersection on Foothill Boulevard at Angeles Crest Highway and Chevy Chase Drive related to the Town Center project in an amount Not-to-Exceed \$104,700.

## **BUSINESS ITEMS**

Councilmember Olhasso recused herself from agenda item #14, due to a potential conflict of interest, as her home is located within the project area. Councilmember Olhasso stepped off the City Council dais and left the council chambers.

14. Public Hearing to introduce and conduct first reading of Ordinances establishing Sewer Service Fees (SSFs) for Sewer Assessment District No. 04-1, Project Area 3A and amending the City of La Cañada Flintridge Municipal Code by adding a Chapter 9.17 relating to Sewer Service Fees.

The staff report was presented by Interim Public Works Director Davis.

Mayor Spence **OPENED** the public hearing.

The following correspondences were received in opposition of the proposed Sewer Service Fees: Ron Fairbanks, Otis P. Hutchins, Paul Haggard, Robert Musso and David Weisenberg.

The following individuals spoke in opposition of proposed Sewer Service Fees: Otis Hutchins, J.T. Croassley and David Weisenberg.

There was no one else wishing to speak, therefore, Mayor Spence declared the public hearing **CLOSED**.

Councilmember Brown explained that the City knew when Sewer Districts 3A and 3B were set up that, due to the gravity flow, 3A was going to be subject to higher maintenance costs, simply because the CV Water District and City of Los Angeles charge more than the Los Angeles County Sanitation Districts. He explained that the ordinances before the City Council this evening were just a matter of passing through those costs that are incurred on a regular basis to treat the sewage. He stated that the City does not have any control over these fees and stated that it comes down to either the fees getting paid, or no sewer system.

Mayor Pro Tem Del Guercio expressed support for comments made by Councilmember Brown. He stated that the real question is whether the City in Section 3A is being treated disproportionately to other districts on the City of Los Angeles System. In closing, he stated that the information presented by Interim Director Davis and Mr. Thompson states that 3A is being treated the same as other cities connecting to the City of Los Angeles sewer lines.

Councilmember Voss explained that basing the fee on the number of bedrooms is the conventional and probably the most stable and fairest methodology available at this point. He stated that it would be very difficult to monitor occupancy and explained that when the City Council first started discussing the sewer fee schedule a variety of methodologies were discussed and considered.

Mayor Spence concurred with comments made by his fellow colleagues and re-iterated that the City Council has no control over the proposed fees, explaining that they are determined by the City of Los Angeles.

A motion was made by Councilmember Brown, seconded by Mayor Pro Tem Del Guercio, to direct City Attorney Brown to read the ordinance by title only and introduce by roll call vote **Ordinance No 362** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE ESTABLISHING AND IMPOSING SEWER SERVICE FEES FOR SANITARY SEWER ASSESSMENT DISTRICT NO. 04-1 (PROJECT AREA 3A)." The motion carried by the following roll call vote: AYES: Brown, Voss, Del Guercio, and Spence; NOES: None; ABSTAIN: Olhasso; and ABSENT: None. The motion carried 4-0-1.

A motion was made by Councilmember Voss, seconded by Mayor Pro Tem Del Guercio, to direct City Attorney Brown to read the ordinance by title only and introduce by roll call vote **Ordinance No. 363** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 9.17 RELATING TO SEWER SERVICE FEES." The motion carried by the following roll call vote: AYES: Brown, Voss, Del Guercio, and Spence; NOES: None; ABSTAIN: Olhasso; and ABSENT: None. The motion carried 4-0-1.

With the item concluded, Councilmember Olhasso re-entered the City Council Chambers and took her place at the dais.

15. First reading and introduction of an Ordinance regarding sidewalk and curb repair requirements.

The staff report was presented by Interim Public Works Director Davis.

Mayor Spence **OPENED** the public comment period. There was no one from the public wishing to speak, therefore, Mayor Spence **CLOSED** the public comment period.

In response to comments made by Councilmember Olhasso, City Manager Alexander explained that State law allows cities to place the responsibility for repairs on the private property owner abutting the public property. He further explained that the proposed ordinance clarifies the responsibility of the property owner including repair of damaged sidewalks, curbs and gutters "for whatever reason, including tree roots." He stated that the roots from the City's mature trees can damage sidewalks, curbs, gutters and driveways and the City has been receiving an increasing number of claims for tree root damage. Given the numerous benefits of the urban forest to the community, it is appropriate for property owners to assume the cost of tree root damage to curbs, gutters and sidewalks.

Councilmember Olhasso expressed her support for comments made by City Manager Alexander. She stated that the City has seen a rash of problems, particularly from trees that are uprooting a driveway, and expressed her support for the ordinance as it would clarify the solution to this issue.

Councilmember Brown stated that the language in the ordinance doesn't go far enough because it only addresses sidewalks, gutters, curbs, and driveway aprons. He expressed his desire to see the ordinance include other encroachments into the public right-of-way.

In response to an inquiry by Councilmember Brown, City Attorney Brown confirmed that the proposed ordinance does require the abutting property owner to be responsible for City tree roots that grow onto private property, causing damage to private property. Councilmember Brown requested that this be clarified.

Councilmember Voss expressed his support for comments made by Councilmember Brown and expressed his concern that the proposed ordinance is too "sidewalk" specific. He stated that the ordinance seems to be on the right track, but it needs a little fine tuning. In closing, he expressed his desire to see the City do a pamphlet similar to the sample provided from the City of Pasadena.

Mayor Pro Tem Del Guercio expressed his support for the comments made by fellow colleagues and expressed his desire to see the ordinance more clearly articulate the responsibilities of property owners in regards to the public trees.

There was consensus of the City Council to direct staff to refine the ordinance and bring it back to the City Council at a future meeting. There were no objections.

16. Appointment to fill an unscheduled vacancy on the Investment and Financing Advisory Committee (IFAC)

The staff report was presented by City Clerk Sessman.

City Clerk Sessman distributed ballots to each Councilmember. The ballots were returned to City Clerk Sessman and recorded as follows:

Councilmember Brown:	Keith Ban
Councilmember Olhasso:	Keith Ban
Councilmember Voss:	Keith Ban
Mayor Pro Tem Del Guercio:	Dorothy McCarthy
Mayor Spence:	Keith Ban

The City Council appointed Keith Ban to the Investment and Financing Advisory Committee (IFAC). The motion carried unanimously.

17. Mayor's City Council Assignments

Councilmember Olhasso requested changes to the Mayor's Assignments. She explained that due to scheduling conflicts she had resigned from both the League of California Cities – Los Angeles County Division Executive Committee and the League of CA Cities – Los Angeles County Division Legislative Committee. In addition, she stated that she is the Chair of the San Gabriel Valley Council of Government's Housing Trust Fund, which is not currently listed on the 2007 Assignments, and a Member of the Arroyo Verdugo Sub Group Appointee to the SCAG Community Housing and Economic Development Committee.

There was a consensus of the City Council to receive and file the 2007 Mayor's City Council Assignments as amended and staff was directed to notify associated organizations of the City Council assignments. The motion carried unanimously.

## **CONCLUDING BUSINESS**

Councilmembers' report on meetings attended at the expense of the local agency – *None*

Councilmembers' reports regarding regional and local representation

Mayor Pro Tem Del Guercio announced that the General Plan Advisory Committee (GPAC) held their first meeting on Thursday, March 29, 2007 where they discussed what the community's vision is and issues of concern relating to the General Plan. Councilmember Olhasso announced that the community input meeting will be held on May 10, 2007 at Descanso Gardens.

Mayor Pro Tem Del Guercio announced that he had appeared before the Metro Board of Directors meeting regarding the 710 tunnel study funding. He reported that the Metro Board had decided to approve funding for further technical and feasibility study of the tunnel as opposed to environmental clearance. In closing, he offered a special thanks to Assembly Member Portantino for his assistance and concern on this issue.

Mayor Spence announced that he and Mayor Pro Tem Del Guercio had attended the dedication of the Railroad Overpass in Pomona earlier this afternoon. He explained that it is part of the Alameda Corridor East Construction Authority that is trying to relieve health, public safety and hazard issues associated with railroads and usage.

Councilmembers' request for future agenda items

Councilmember Brown stated that he had received numerous questions and concerns regarding the change in the parking permit policy. He requested that this matter be re-agendized. In response, Councilmember Olhasso explained that at the March 31, 2007 Special Meeting of the City Council several residents attended and spoke on the change in the parking permit policy. She explained that, at that time, the City Council directed staff to re-agendize this item.

Councilmembers' comments – *None*

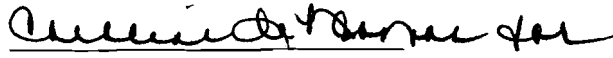
Assembly Member Portantino offered his congratulations to Mr. Voss, the newest member of the City Council, and to the new Mayor and Mayor Pro Tem. He welcomed Kevin Chun, newly appointed Administrative Services Director and Edward Hitti, newly appointed Public Works Director. He expressed his excitement with the progress being made throughout the City on various projects. He stated that he planned on re-implementing a breakfast with the City Council similar to the breakfast put on annually with Supervisor Antonovich.

City Manager and/or staff comments

City Manager Alexander announced that tonight is City Clerk Sessman's last meeting and thanked her for her excellent service.

**ADJOURNMENT**

Mayor Spence adjourned the meeting at 9:06 p.m.



Kathleen R. Sessman  
City Clerk

Minutes Approved by the City Council on April 16, 2007.